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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,397	08/06/2003	Christopher N. Kline	END920030058 (BME:005PA)	1206
40581 7590 01/08/2008 CRAWFORD MAUNU PLLC 1270 NORTHLAND DRIVE, SUITE 390 ST. PAUL, MN 55120				
EXAMINER KARDOS, NEIL R				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/635,397

Applicant(s)

KLINE, CHRISTOPHER N.

Examiner

Neil R. Kardos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-28 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 8/6/2003
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This is a non-final first Office action on the merits. Currently, claims 1-28 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-6, 8-10, 13-16, 18-19, 21-23, and 26-28 are rejected under 35

U.S.C. 102(b) as being anticipated by McAfee Utilities Version 4.0 User's Guide ("the McAfee Manual").

As per claims 1, 14, and 28, the McAfee Manual discloses a method, system, and computer program product for scheduling the performance of maintenance tasks to maintain a system environment, comprising:

monitoring a parameter for a computer system to detect a need to perform at least one maintenance task (see pages 39-40: "Crash Protector" discloses "continuously monitors your system to detect when an application performs an invalid operation or damages any critical part of your system. When such 'Fault' conditions occur, Crash Protector suspends the application and displays the following dialog box."); and performing at least one maintenance task when the monitoring detects the need to perform at least one maintenance task or at least once within a predetermined period (see id. above).

As per claims 2 and 15, the McAfee Manual discloses wherein the monitoring a computer system parameter further comprises monitoring conditions on a server (see page iii: "Server-Mode," disclosing using the product on a server).

As per claims 3 and 16, the McAfee Manual discloses wherein the performing at least one maintenance task when the monitoring detects the need to perform at least one maintenance task further comprises performing at least one maintenance task when the server meets a predetermined criteria (see pages 39-40: "Crash Protector" discloses "continuously monitors your system to detect when an application performs an invalid operation or damages any critical part of your system. When such 'Fault' conditions occur, Crash Protector suspends the application and displays the following dialog box.").

As per claims 5 and 18, the McAfee Manual discloses wherein the performing at least one maintenance task further comprises running a maintenance routine for improving computer system operation (see page 33: "QuickClean Lite," disclosing wherein the user can "set up QuickClean to get rid of unnecessary files and junk on your computer at regular intervals while you work").

As per claims 6 and 19, the McAfee Manual discloses wherein the performing at least one maintenance task further comprises backing up settings to an archive (see page 22: "McAfee Image," disclosing wherein the product "saves information that you'll need if your hard disk ever fails, including the boot record, partition tables and FAT information"; See also pages 43-44, disclosing creating automatic backups).

As per claims 8 and 21, the McAfee Manual discloses wherein the performing at least one maintenance task further comprises writing log files (see page 40, disclosing a report that “allows you to view a log containing additional information”).

As per claims 9 and 22, the McAfee Manual discloses wherein the performing at least one maintenance task further comprises reducing a size for files stored on the computer system (see pages 48-50, disclosing creating compressed zip files).

As per claims 10 and 23, the McAfee Manual discloses alerting an administrator upon an occurrence of an event (see pages 39-40, disclosing displaying a dialog box when an application error occurs).

As per claims 13 and 26, the McAfee Manual discloses wherein the performing at least one maintenance task at least once within a predetermined period further comprising performing at least one maintenance task once a day (see page 22: “McAfee Image,” disclosing running the backup utility daily).

As per claim 27, the McAfee Manual discloses a system for scheduling the performance of maintenance tasks to maintain a system environment, comprising:

means for providing resources for performing at least one maintenance task (see pages 39-40: “Crash Protector” discloses “continuously monitors your system to detect when an application performs an invalid operation or damages any critical part of your system. When such 'Fault' conditions occur, Crash Protector suspends the application and displays the following dialog box.”); and
means for monitoring a parameter for a computer system to detect a need to perform at least one maintenance task and causing the means for providing resources to

perform at least one maintenance task when the means for monitoring detects the need to perform at least one maintenance task or at least once within a predetermined period (see id. above).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the McAfee Manual, as cited above, in view of Microsoft Windows XP (refer to the article "Description of the Low Disk Space Notification Tool in Windows XP" ["the Disk Space Tool"]).

As per claims 4 and 17, the McAfee Manual does not explicitly disclose wherein the predetermined criteria comprises disk space for the server becoming too low.

The Disk Space Tool discloses "when a Windows XP-based computer is running low on disk space, you receive a 'Low Disk Space' message that, when clicked, "starts the Disk Cleanup Wizard" (see page 1: Summary).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the Disk Space Tool with the software in the McAfee Manual. One of ordinary skill in the art would have been motivated to do so in order to notify a

user when disk space is running low and take appropriate actions (see the Disk Space Tool: page 1).

4. Claims 7 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the McAfee Manual, as cited above, in view of Microsoft Windows XP (refer to the article "How to Use the Backup Utility to Back Up Files and Folders in Windows XP Home Edition" ["the Backup Tool"]).

As per claims 7 and 20, the McAfee Manual does not explicitly disclose wherein the backing up settings to an archive further comprises saving configurations and authorizations for applications running on a server.

The Backup Tool discloses backing up system settings, including permissions (see page 2: step 6; see also bullet points at the bottom of page 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the Backup Tool with the software in the McAfee Manual. One of ordinary skill in the art would have been motivated to do so in order to "help you protect your data if your hard disk fails or if you accidentally delete files" (see the Backup Tool: page 1: "More Information").

5. Claims 11 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the McAfee Manual, as cited above, in view of the article "Disk Defragmenter Error Codes ("the Error Codes Article").

As per claims 11 and 24, the McAfee Manual does not explicitly disclose wherein the alerting an administrator upon an occurrence of an event further comprises alerting an administrator when a maintenance task fails.

The Error Codes Article teaches error codes that appear when the disk defragmenter is unable to perform its task (see page 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the Error Codes Article with the software in the McAfee Manual. One of ordinary skill in the art would have been motivated to do so in order to notify the user that the maintenance operation was not completed successfully (see page 1).

6. Claims 12 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the McAfee Manual, as cited above, in view of “The Complete Idiot’s Guide to Windows XP” by Paul McFedries (“McFedries”).

As per claims 12 and 25, the McAfee Manual does not explicitly disclose wherein the alerting an administrator upon an occurrence of an event further comprises alerting an administrator when a maintenance task is ran too often.

McFedries teaches notifying the user when a maintenance task does not need to be performed again (see page 355: “You do not need to defragment this volume”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of McFedries with the software in the McAfee Manual. One of ordinary skill in the art would have been motivated to do so in order to save system resources

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that would otherwise be taken up by the maintenance task (see McFedries: page 356: “The defragmenting process might take some time...”).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil R. Kardos whose telephone number is (571)270-3443. The examiner can normally be reached on Mon-Thu and alternating Fridays from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/THOMAS A DIXON/
Supervisory Patent Examiner, Art Unit 4172

Neil R. Kardos
Examiner
Art Unit 4172

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1/4/08